

Reply to Office Action of December 28, 2006**REMARKS/ARGUMENTS**

Claims 1-20 are pending in this application. By this Amendment, claims 1-4, 6, 7, 12-15, 17, 19 and 20 are amended for clarification purposes only, to eliminate the use of “configured to” language in response to the Examiner’s comments. Further, independent claim 15 is amended to incorporate subject matter from claim 20, which depends directly therefrom. It is respectfully submitted that the amendments to the claims do not raise new issues requiring further consideration. Withdrawal of the rejections in view of the above amendments and the following remarks is respectfully requested.

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance (for the reasons discussed herein); (2) do not raise any new issues requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter); (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal (if necessary). Entry is thus requested.

I. Objection(s) To The Claims

The Office Action objects to claims 1-20, alleging that the use of “configured to” language in the claims renders at least claims 2, 7, 12-14 and 17 in improper dependent form for failing to further limit the subject matter of a previous claim. Although Applicant respectfully disagrees with this assertion, the claims have been amended to eliminate the “configured to”

language objected to by the Examiner. It is respectfully submitted that these amendments are for clarification purposes only, and do not raise any new issues requiring further search and/or consideration. Accordingly, the objection to claims 1-20 should be withdrawn.

II. Rejection Under 35 U.S.C. §102(b)

The Office Action rejects claims 1, 2, 8-18 and 20 under 35 U.S.C. §102(b) over U.S. Patent No. 6,103,017 to Thies et al. (hereinafter "Thies"). The rejection is respectfully traversed.

Independent claim 1 is directed to a dishwasher, comprising, *inter alia*, a drain passage with a first end in communication with a drain pump, and a second end in communication with a backflow-preventing passage. Claim 1 recites that the drain pump is provided at a side of the sump. Claim 1 recites that the backflow-preventing passage includes an inverted U-shaped portion which forms a peak point, wherein an inlet of the backflow-preventing passage is connected to the second end of the drain passage so as to prevent water from flowing backward. Claim 1 further recites that an upper portion of the backflow- preventing passage is disposed higher than the sump. Claim 1 also further recites a drain hose having an inlet end connected to an outlet of the backflow-preventing passage.

Independent claim 15 is directed to a dishwasher, comprising, *inter alia*, a drain passage having a first end coupled to an outlet of the pump, a backflow-preventing device coupled to a second end of the drain passage, a check valve provided proximate the inlet end of the first backflow passage. Independent claim 15 also recites that the backflow-preventing device

comprises a first backflow passage having an inlet end and an outlet end, wherein the inlet end of the first backflow passage is coupled to the second end of the drain passage; a second backflow passage having an inlet end and an outlet end; and an inverted U-shaped portion extending between the outlet end of the first backflow passage and the inlet end of the second backflow passage. Thies neither discloses nor suggests such features, or the respective claimed combinations of features.

Thies discloses a soil separator/pump assembly 20 for a dishwasher 10. During a wash cycle, a drain pump 54 positioned below the sump 18 facilitates the draining of used wash water. The drain pump is not positioned to a side of the sump 18, as is the drain pump recited in independent claim 1.

Used wash water enters a chopper assembly 70 prior to approaching the pump 54. More heavily soiled water is directed through a soil separation channel 46, where water flows up through a filter screen 48 and back into the sump 18 for recirculation, while particles are directed into a soil accumulator 50. When a pressure in the soil accumulator 50 exceeds a predetermined threshold, the drain pump 54 draws the soiled liquid from the accumulator 50 through a drain conduit 55, past a check valve 56, and out through a drain hose 58. The drain pump 54 continues to operate until the accumulator 50 and filter screen 48 are cleared and the pressure falls below the threshold.

The drain pump 54 also drains the sump 18 at the end of a wash cycle by directing used wash water through a drain port 62 into the drain conduit 55, past the check valve 56 and out

through the drain hose 58. However, in order to maintain effective flushing of the accumulator 50 and filter 48, the drain port 62 remains closed through the action of a pressure operated control valve 60.

When draining either the soil accumulator 50 or the sump 18, used wash water passes into a portion of the drain conduit 55 and through the check valve 56 for draining through the drain hose 58. In order to maintain appropriate pressure within these fluid lines, the end of the drain hose 58 includes a loop and another check valve 57. This precludes unwanted introduction of accumulator 50 contents into the drain pump 54, or draining of the tub 12 as soon as the drain pump 54 is energized.

The Office Action asserts that the drain hose 58 disclosed by Thies is comparable to the recited drain hose, and a passage formed within the drain hose 58 is comparable to the recited drain passage. Given these comparisons, Thies neither discloses nor suggests a drain passage, backflow-preventing passage and drain hose as recited in independent claims 1 and 15. More specifically, Thies lacks the recited drain hose.

It appears that the Office Action asserts that the passage with the hose 58 in Thies corresponds to the claimed drain passage, and that the inverted u-shaped end of this hose 58 corresponds to the claimed backflow preventing passage. If the passage formed in the hose 58 corresponds to the claimed drain passage, then a first end of the passage formed in the hose 58 (hereinafter "the passage") must be coupled to the drain pump 54, and its second end must be coupled to an inlet of the inverted u-shaped portion at the end of the hose 58. Further, the

Reply to Office Action of December 28, 2006

outlet end of the inverted u-shaped portion (compared in the Office Action to the recited backflow-preventing passage) must be coupled to a drain hose. However, the only drain hose 58 disclosed by Thies extends between the drain pump 54 and the inlet to the inverted u-shaped portion. Thies neither discloses nor suggests that any portion of the drain hose 58 is connected to an outlet of the inverted u-shaped portion, let alone that an inlet end of the drain hose 58 is connected to the outlet of the inverted u-shaped portion, as is the drain hose recited in independent claims 1 and 15. Instead, in the Thies structure, the inlet end of the drain hose 58 is clearly connected to the drain pump 54.

Accordingly, it is respectfully submitted that independent claims 1 and 15 are not anticipated by Thies, and thus the rejection of independent claims 1 and 15 under 35 U.S.C. §102(b) over Thies should be withdrawn. Dependent claims 2, 8-14, 16-18 and 20 are allowable over Thies at least for the reasons set forth above with respect to independent claims 1 and 15, from which they respectively depend, as well as for their added features.

III. Rejection Under 35 U.S.C. §103(a)

The Office Action rejects claims 3-7 and 19 under 35 U.S.C. §103(a) over Thies. The rejection is respectfully traversed.

Dependent claims 3-7 and 19 are allowable over Thies at least for the reasons set forth above with respect to independent claims 1 and 15, from which they respectively depend, as well as for their added features. Further, it is respectfully submitted that it would not have been obvious to modify the dishwasher disclosed by Thies in the manner suggested in the Office

Serial No. **10/721,740**

Docket No. **K-0584**

Reply to Office Action of **December 28, 2006**

Action. Accordingly, it is respectfully submitted that claims 3-7 and 19 are allowable over Thies, and thus the rejection of claims 3-7 and 19 under 35 U.S.C. §103(a) over Thies should be withdrawn.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned, **Joanna K. Mason**, at the telephone number listed below.

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

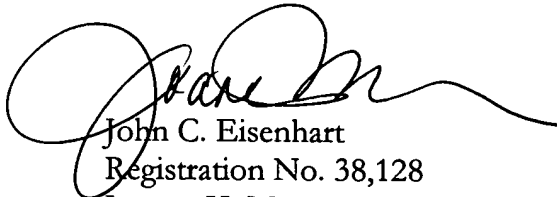
Serial No. **10/721,740**

Docket No. **K-0584**

Reply to Office Action of **December 28, 2006**

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
KED & ASSOCIATES, LLP



John C. Eisenhart
Registration No. 38,128
Joanna K. Mason
Registration No. 56,408

P.O. Box 221200
Chantilly, Virginia 20153-1200
703 766-3701 JCE/JKM/lhd

Date: March 26, 2007

Q:\Documents\2016-699\114910.doc

Please direct all correspondence to Customer Number 34610